

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Bryan Valentin,

Petitioner, Case No. 19-cv-11068

v.

Judith E. Levy
United States District Judge

Jeffrey Woods,

Mag. Judge R. Steven Whalen

Respondent.

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**ORDER GRANTING PETITIONER'S MOTION FOR A
DEADLINE TO FILE A REPLY BRIEF [9]**

Petitioner Bryan Valentin, a Michigan state prisoner, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹ (ECF No. 1.) Respondent filed an answer to the petition on August 20, 2019. (ECF No. 7.) Now before the Court is Valentin's motion seeking a

¹ The petition was originally filed pro se in the Western District of Michigan on December 23, 2014. (*See* ECF No. 5.) Counsel appeared for Petitioner in January 2015. On June 23, 2016, the Court granted Petitioner's motion to hold the petition in abeyance to allow Petitioner to raise newly discovered evidence of actual innocence in the state courts. (*See id.*) On February 21, 2019, the Western District Court lifted the stay and reopened the case. (*See id.*) On April 10, 2019, the Western District Court granted Petitioner's motion to change venue and transferred the case to this Court. (*See id.*)

deadline for the filing of a reply brief. (ECF No. 9.) Valentin asks the Court not to issue a decision on the habeas corpus petition until he has filed a reply to Respondent's answer and to set a deadline for the filing of his reply brief.

Rule 5(e) of the Rules Governing § 2254 Cases permits a habeas petitioner to "file a reply to the respondent's answer or other pleading within a time fixed by the judge." *See* Rules Governing § 2254 Cases, Rule 5(e), 28 U.S.C. foll. § 2254. It has been approximately two months since Respondent filed an answer to the petition. The Court will allow Valentin an additional 45 days to file a reply.

Accordingly, the Court **GRANTS** Petitioner's motion. (ECF No. 9.) Petitioner shall have 45 days from the date of this Order to file a reply.

IT IS SO ORDERED.

Dated: October 23, 2019
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge